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August 3, 2023

Hon. Lorna G. Schofield
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Trevor Shapiro et al v. Trudy Jacobson et al
23-cv-3964 (LGS)

Dear Judge Schofield:

We are counsel for plaintiffs in the above-referenced matter. We respond to the motion to vacate service on Defendant Stephen Komorek, filed July 31, 2023.

The motion filed by William G. Knapp III, Esq. is unaccompanied by any sworn affidavit or declaration of anyone with personal knowledge of the facts, and should therefore be denied for that reason alone. Courts in this district frequently deny motions unsupported by affidavits based on personal knowledge. *United States v. Zhang*, No. 94 CR. 0021 (LLS), 1994 WL 141960, at *1 (S.D.N.Y. Apr. 20, 1994) (motion to suppress statements denied where attorney's affidavit in support of the motion was not based on personal knowledge regarding the facts grounding the claim); *Johnson v. Hunger*, 266 F. Supp. 590, 592 (S.D.N.Y. 1967) (plaintiff's motion for preliminary injunctive relief denied where affidavit of plaintiff's attorney not based on personal knowledge).

The proof of service signed by Michael Kraft under penalty of perjury, attached hereto as Exhibit A, states that he "delivered the documents to WIFE SARAH who identified themselves as the subject's spouse, co-resident with identity confirmed by subject stating their name. The individual accepted service with direct delivery."

Mr. Knapp's motion papers do not deny that Mr. Komorek is married and that his wife was served at his last known residence.

Mr. Komorek was similarly served at the same address – 3183 Lesmil Road, Wellston, Ohio 45692 – on July 5, 2023 in a related case pending in this courthouse: *Conflict International, Inc. et al. v Komorek*, Civ. No. 23-cv-03964. See Proof of Service attached hereto as Exhibit B.

The national service of process company that our law firm has used for many years – ABC Legal Services – has consistently proven to be highly reliable and reputable, and this is the first time that the service by this company or one of its affiliates has been challenged or even questioned in any of our cases.

We, therefore, respectfully request that the motion be denied.

Respectfully submitted,

/s/ Kenneth F. McCallion

Kenneth F. McCallion

cc: All counsel of record (via ECF)